IN THE HIGH COURT OF HIMACHAL PRADESH
SHIMLA

Regular Second Appeal No.187 of 2006.
Date of decision: 11.06.2007.

Mansa Ram …..**Appellant**

Versus

Kanwar Pardeep Kumar & Others …..**Respondents**

Coram

The Hon'ble Mr.Justice Dev Darshan Sud,J.

Whether approved for reporting ?[1]

For the Appellant: **Mr.G.D. Verma, Senior Advocate with Mr.B.C. Verma, Advocate.**

For the Respondent: **Mr.R.L. Sood, Senior Advocate with Mr.Sanjeev Kumar, Advocate.**

Dev Darshan Sud,J.

This is plaintiff's second appeal against the concurrent findings of the learned Courts below whereby the suit for declaration, injunction and permanent prohibitory injunction has been dismissed by the learned trial Court. An appeal, carried to the learned District Judge, was also dismissed.

The plaintiff had filed a suit claiming a decree for declaration that he is owner in possession of the land described in the suit and that the entries in the revenue record showing the defendants to be the owners are illegal and void. The plaintiff also

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[1] ***Whether the reporters of Local Papers may be allowed to see the judgement?***

prayed for a decree in the nature of permanent prohibitory and mandatory injunction against the defendants restraining them from claiming themselves to be the owners of the suit land and a decree directing the defendants to execute a sale deed qua the land. The learned trial Court framed seven issues which were found against the plaintiff. The learned court found as a fact that the oral sale pleaded by the plaintiff has not been proved on the record. The suit was accordingly dismissed. The learned appellate Court, has reconsidered the entire matter and as a fact found that the land was not transferred or agreed to be transferred in the name of the plaintiff.

Learned counsel appearing for the plaintiff has made a number of submissions. The record of the appeal was summoned. I have gone through the record and find that no substantial question of law arises for determination by this Court. The factual foundation put forth by the plaintiff having been disbelieved by both the learned Courts below. It is not open to this Court in the second appeal to re-appreciate and reassess the evidence. This appeal is accordingly dismissed. There shall be no order as to costs.

June 11, 2007
(aks)

(Dev Darshan Sud)
Judge.